

1 Michael Louis Kelly - State Bar No. 82063
mlk@kirtlandpackard.com
 2 Behram V. Parekh - State Bar No. 180361
bvp@kirtlandpackard.com
 3 Heather M. Peterson - State Bar No. 261303
hmp@kirtlandpackard.com
 4 KIRTLAND & PACKARD LLP
 2361 Rosecrans Avenue, Fourth Floor
 5 El Segundo, California 90245
 Telephone: (310) 536-1000
 6 Facsimile: (310) 536-1001

7 *Counsel for Plaintiffs Kmetz, Morris, Hauter,*
Palomares, and all others similarly situated

8
 9 [Additional Counsel Listed on Signature
 Page]

10 UNITED STATES DISTRICT COURT
 11 CENTRAL DISTRICT OF CALIFORNIA

12
 13 ERIC KMETZ, JOE MORRIS

14 v.

15 TOYOTA MOTOR SALES, U.S.A.,
 16 INC., TOYOTA MOTOR
 CORPORATION

17
 18 HEATHER A. LANE

19 v.

20 TOYOTA MOTOR SALES, USA, INC.

21
 22 DALE BALDISEERI

23 v.

24 TOYOTA MOTOR SALES, USA, INC.,
 25 TOYOTA MOTOR NORTH
 AMERICA, INC., TOYOTA MOTOR
 26 MANUFACTURING NORTH
 AMERICA, INC., AND TOYOTA
 27 MOTOR ENGINEERING &
 MANUFACTURING NORTH
 AMERICA, INC.

28 JOSEPH HAUTER, FRANK

) Case Nos.

) 2:09-CV-08478 AHM-FMO
) 2:09-CV-09158 GAF-FMO
) 2:09-CV-09386 GAF-FMO
) 8:10-CV-00105 AHM-FMO
) 2:10-CV-00710 AHM-FMO
) 2:10-CV-00799 AHM-FMO
) 2:10-CV-00942 SJO-FFM
) 2:10-CV-01030 RGK-PLA
) 2:10-CV-01039 AHM-SS
) 2:10-CV-01094 GAF-VBK
) 2:10-CV-01153 GW-AJW

CLASS ACTION

**PLAINTIFFS' NOTICE OF
 PENDENCY OF OTHER ACTIONS
 OR PROCEEDINGS AND
 RELATED CASES**

1 PALOMARES

2 v.

3 TOYOTA MOTOR SALES, U.S.A.,
4 INC., TOYOTA MOTOR
CORPORATION

5
6 ROZ SCHWARTZ

7 v.

8 TOYOTA MOTOR SALES, USA, INC.
AND TOYOTA MOTOR CORP.

9
10 MATTHEW MARR, LUIS
FERNANDEZ, AND SYLVIA
FERNANDEZ

11 v.

12 TOYOTA MOTOR SALES, USA, INC.
13 AND TOYOTA MOTOR CORP.

14
15 PETER WISNER

16 v.

17 TOYOTA MOTOR CORPORATION
AND TOYOTA MOTOR SALES USA
INC.

18
19 LACEY LAUDICINA, KEVIN FUNEZ

20 v.

21 TOYOTA MOTOR CORPORATION
AND TOYOTA MOTOR SALES, USA,
INC.

22
23 RHONDA TALBOT

24 v.

25 TOYOTA MOTOR NORTH
26 AMERICA, INC., TOYOTA MOTOR
ENGINEERING &
27 MANUFACTURING NORTH
AMERICA, INC., AND TOYOTA
28 MOTOR SALES, U.S.A., INC.

1 KERRI MADDEN)
2 v.)
3 TOYOTA MOTOR SALES, USA, INC.,)
4 TOYOTA MOTOR NORTH)
5 AMERICA, INC., TOYOTA MOTOR)
6 ENGINEERING &)
7 MANUFACTURING NORTH)
8 AMERICA, INC., TOYOTA MOTOR)
9 MANUFACTURING, CALIFORNIA,)
10 INC., AND TOYOTA MOTOR)
11 CORPORATION)

12 KATY BOYASK)
13 v.)
14 TOYOTA MOTOR SALES, USA, INC.)
15 AND TOYOTA MOTOR CORP.)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

1 TO THE COURT AND ALL PARTIES OF RECORD:

2 Pursuant to Civ. L.R. 83-1.4.3, Plaintiffs hereby notify the Court and all
3 parties of record that, to the best of their knowledge, the instant action, along with
4 all actions listed in Exhibits A and B, attached hereto, are the subject of, or are
5 related to, currently pending petitions for coordination or consolidation before the
6 Judicial Panel on Multidistrict Litigation, MDL-2151, *In re Toyota Motor Corp.*
7 *Defective Gas Pedal Product Liability Litigation*. The next scheduled date for an
8 MDL hearing is March 25, 2010 in San Diego. The pending petition has not yet
9 been set for hearing but is expected to be set in the near future. Attached as Exhibit
10 C is a list of those Central District of California actions currently listed on the
11 Master Docket of the MDL.

12 Pursuant to Civ. L.R. 83-1.3 and 83-1.4, Plaintiffs hereby notify the Court and
13 all parties of record that 20 actions have been filed in the United States District
14 Court, Central District of California, arising from the same or related events as
15 those set forth in the Complaint filed by plaintiffs and calling for determination of
16 similar questions of law and fact. These actions are listed in Exhibit A attached
17 hereto. Counsel in those actions are listed in Exhibit D.

18 Pursuant to Civ. L.R. 83-1.4, Plaintiffs further notify the Court and all parties
19 of record that an additional 47 actions have been filed in various United States
20 District Courts throughout the nation, arising from the same or related events as
21 those set forth in the complaint filed by Plaintiffs and calling for determination of
22 similar questions of law and fact. These actions are listed in Exhibit B attached
23 hereto. Counsel in those actions are listed in Exhibit D.

24 Plaintiffs believe that these actions constitute related actions within the
25 meaning of Civ. L.R. 83-1.3 and 83-1.4 because they all stem from the alleged
26 tendency of Toyota and Lexus branded (collectively "Toyota") vehicles to
27 experience events of sudden, unintended, and uncontrollable acceleration. Although
28 the various complaints generally allege that this tendency has existed in Toyota

1 vehicles since approximately 2001, when Toyota first switched from mechanical
2 linkages between the accelerator pedal and the throttle control, these cases have
3 generally been filed subsequent to the high-profile death of California Highway
4 Patrol Officer Mark Saylor while driving a Lexus ES350 vehicle on August 28,
5 2009.

6 The national press coverage given to this incident forced Toyota to initiate a
7 series of recalls beginning on September 29, 2009 and continuing through the
8 present related to problems with its vehicles, blaming the acceleration issue first on
9 aftermarket or improperly installed floor mats, and later, on worn accelerator pedal
10 assemblies that could "stick" in a partially depressed position.

11 All of the related suits generally allege that plaintiffs have suffered injury due
12 to these recalls and the loss of value suffered by plaintiffs' vehicles, and asking for
13 injunctive relief, restitution, and damages. Many of these suits further allege that
14 Toyota's current recalls are insufficient because the floor mats and "sticky pedals"
15 are not the sole problems with these vehicles, and that a more systemic problem
16 related to Toyota's electronic throttle control system exists. All of these suits are
17 filed as putative class actions, alleging statewide classes, nationwide classes, or
18 both.

19 For the foregoing reasons, Plaintiffs believe that all of the suits listed in
20 Exhibit A, filed in the Central District of California, are related cases within the
21 meaning of Civ. L.R. 83-1.3, and that all of the suits listed in Exhibit B, filed in
22 various district courts throughout the nation, involve all or a material part of the
23 same subject matter as the instant action, within the meaning of Civ. L.R. 83-1.4.

24 RESPECTFULLY SUBMITTED,

25 DATED: February 19, 2010

26 By: /s/ Behram V. Parekh

27 Michael Louis Kelly
28 Behram V. Parekh
Heather M. Peterson
Kirtland & Packard LLP

2361 Rosecrans Ave., 4th Fl.
El Segundo, CA 90232
Tel: (310) 536-1000
Fax: (310) 536-1001
mlk@kirtlandpackard.com
bvp@kirtlandpackard.com
hmp@kirtlandpackard.com

*Counsel for Plaintiffs Kmetz, Morris,
Hauter, Palomares, and all others similarly
situated.*

By: /s/ Ben Barnow

Gene J. Stonebarger
Stonebarger Law, APC
75 Iron Point Circle, Ste. 145
Folsom, CA 95630
916-235-7140 tel.
916-235-7141 fax
gstonebarger@stonebargerlaw.com

Ben Barnow
Sharon Harris
Barnow & Associates PC
One North LaSalle Street Suite 4600
Chicago, IL 60602
312-621-2000
Fax: 312-641-5504
Email: b.barnow@barnowlaw.com

Shpetim Ademi
David Syrios
Ademi & O'Reilly, LLP
3620 E. Layton Ave
Cudahy, WI 53110
Tel: 414-482-8000
Fax: 414-482-8001

Aron D. Robinson
Law Offices of Aaron Robinson
19 S. LaSalle St.
Ste. 1200
Chicago, IL 60603
Tel: 312-857-9050

*Counsel for Plaintiff Lane, and all others
similarly situated.*

By: /s/ Ira Spiro

H. Scott Leviant
Ira R. Spiro
J. Mark Moore
Spiro Moss LLP
11377 West Olympic Boulevard 5th Floor
Los Angeles, CA 90064
Tel: (310) 235-2468
Fax: (310) 235-2456
Email: ira@spiromoss.com

David M. Arbogast
Arbogast & Berns LLP
6303 Owensmouth Avenue 10th Floor
Woodland Hills, CA 91367-2263
818-961-2000
Fax: 818-936-0232
Email: darbogast@law111.com

*Counsel for Plaintiff Baldiseeri, and all
others similarly situated.*

By: /s/ Michael M. Goldberg

Lionel Z. Glancy
Michael M. Goldberg
Marc Godino
Glancy Binkow and Goldberg LLP
1801 Avenue of the Stars, Ste. 311
Los Angeles, CA 90067
Tel: 310-201-9150
Fax: 310-201-9160
Email: mgoldberg@glancylaw.com

*Counsel for Plaintiffs Marr, Fernandez,
Fernandez, and all others similarly situated.*

By: /s/ Mark J. Tamblyn

Kenneth A Wexler
Wexler Wallace LLP
55 West Monroe St, Suite 3300
Chicago, IL 60603
Tel: 312-346-2222
Fax: 312-346-0022
Email: kaw@wexlerwallace.com

Mark J Tamblyn
Wexler Wallace LLP
455 Capitol Mall Suite 231
Sacramento, CA 95814
Tel: 916-492-1100
Fax: 916-492-1124
Email: mjt@wexlerwallace.com

*Counsel for Plaintiff Wisner, and all others
similarly situated.*

By: /s/ Steven G. Sklaver

Marc M. Seltzer
Steven G. Sklaver
Ryan C. Kirkpatrick
Susman Godfrey L.L.P.
1901 Avenue of the Stars, Suite 950
Los Angeles, CA 90067-6029
Tel: (310) 789-3100
Fax: (310) 789-3150
mseltzer@susmangodfrey.com
ssklaver@susmangodfrey.com
rkirkpatrick@susmangodfrey.com

Sherrie R. Savett
Jon Lambiras
Jeff Osterwise
Berger & Montague, PC
1622 Locust Street
Philadelphia, PA 19103

*Counsel for Plaintiffs Schwartz, Boyask and
all others similarly situated.*

By: /s/ Denyse F. Clancy

Daniel E. Becnel
Matthew B Moreland
Becnel Law Firm LLC
106 West 7th Street
P.O. Drawer H
Reserve, LA 70084
985-536-1186
Fax: 985-536-6445

Denyse F. Clancy
Baron & Budd PC
3102 Oak Lawn Avenue Suite 1100
Dallas, TX 75219
214-521-3605
Fax: 214-520-1181
Email: dclancy@baronbudd.com

1 Jerrold S Parker
2 **Parker Waichman Alonso LLP**
3 111 Great Neck Road
4 Great Neck, NY 11021
5 516-740-7711
6 Fax: 516-740-7811

*Counsel for Plaintiff Talbot and all others
similarly situated.*

7 By: /s/ Patrick J. Sheehan

8 Alan M Mansfield
9 **The Consumer Law Group**
10 9466 Black Mountain Road Suite 225
11 San Diego, CA 92126
12 619-308-5034
13 Fax: 888-341-5048
14 Email: alan@clgca.com

15 Brian W Smith
16 **Smith and Vanture LLP**
17 1615 Forum Place Suite 4C
18 West Palm Beach, FL 33401
19 561-684-6330
20 Fax: 561-688-0630

21 Patrick J Sheehan
22 **Whatley Drake Kallas LLC**
23 1540 Broadway 37th Floor
24 New York, NY 10036
25 212-447-7070
26 Fax: 212-447-7077

27 Thomas D Mauriello
28 **Mauriello Law Firm**
1181 Puerta Del Sol Suite 120
San Clemente, CA 92673
949-542-3555
Fax: 949-606-9690
Email: tomm@maurlaw.com

W Daniel Miles , III
**Beasley Allen Crow Methvin Portis &
Miles PC**
272 Commerce Street
Montgomery, AL 36103
334-269-2343
Fax: 334-954-7555
Email: dee.miles@beasleyallen.com

*Counsel for Plaintiffs Laudicina, Funez, and
all others similarly situated.*

By: /s/ Brian R. Strange

Brian R. Strange
Gretchen Carpenter
John Peter Ohanesian
Strange & Carpenter
12100 Wilshire Boulevard Suite 900
Los Angeles, CA 90025
310-207-5055
Fax: 310-826-3210
Email: lacounsel@earthlink.net
gcarpenter@strangeandcarpenter.com
johanesian@strangeandcarpenter.com

*Counsel for Plaintiff Madden and all others
similarly situated.*